

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 1116 of 2002

in

SPECIAL CIVIL APPLICATION No 10 of 2001

with

CIVIL APPLICATION NO. 8699 OF 2002

For Approval and Signature:

Hon'ble MR.JUSTICE B.J.SHETHNA
and
Hon'ble MR.JUSTICE A.L.DAVE

- =====
1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the concerned Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals? : NO

RANJANBEN A CHAUHAN

Versus

DIRECTOR OF PRIMARY EDUCATION

Appearance:

1. LETTERS PATENT APPEAL No. 1116 of 2002
MR RK MISHRA for Appellant No.
MR PATHAN for Respondent No. 1-2
MR MUKUND M DESAI for Respondent No. 3
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CORAM : MR.JUSTICE B.J.SHETHNA

and

MR.JUSTICE A.L.DAVE

Date of decision: 07/04/2003

ORAL JUDGEMENT

(Per : MR.JUSTICE B.J.SHETHNA)

1. At the joint request of learned counsel for parties, this appeal is heard and finally disposed of today.

2. The appellant-petitioner challenged her termination from service dated 23.11.2000 (Annexure-A to the main writ petition) by way Application No.200 of 2000 before the Gujarat Primary Education Tribunal, at Ahmedabad. However, the Tribunal refused the interim relief and vacated the ad-interim relief granted earlier in favour of the appellant-petitioner. Therefore, the appellant filed Special Civil Application No.10 of 2001, wherein there was an interim relief, but the same was not continued for some time. The said petition was dismissed by the learned Single Judge on 25.11.2002 and, hence, this Letters Patent Appeal.

3. This Letters Patent Appeal was admitted on 21.1.2003 and on Civil Application No.8699 of 2002, ad-interim relief was granted in favour of the appellant-petitioner. The same has continued till today.

4. Considering the facts of the case, it was agreed by the learned counsel for parties that, without going into the legality and validity of the orders passed by the Tribunal as well as the learned Single Judge of this Court, this appeal be disposed of by directing the Tribunal to hear and decide the main application, i.e. Application No.200 of 2000, within a time bound programme and, till then, the interim relief granted by this Court in the Civil Application filed in this Letters Patent Appeal be continued till then.

5. Accordingly, this appeal is disposed of without going into the legality and validity of the orders passed by the Tribunal as well as the learned Single Judge with a direction to the Tribunal to hear and decide Application No.200 of 2000, without fail, latest by 9th May, 2003. Till then, the interim relief granted earlier on the above Civil Application shall continue.

6. Letters Patent Appeal and the Civil Application are disposed of accordingly with no order as to costs.

Copy of this order be sent down to the Tribunal
forthwith.

[B.J. SHETHNA, J.]

[A. L. DAVE, J.]

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